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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 06-3731-GHK (JTLx)	Date	June 22, 2009
Title	<i>Jim Brown v. Brett Brewer, et al.</i>		

Presiding: The Honorable**GEORGE H. KING, U. S. DISTRICT JUDGE**

Beatrice Herrera

N/A

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None

None

Proceedings: (In Chambers) Order re: Plaintiff's Motion For Class Certification

In our May 29, 2009 Order re: Plaintiff's Motion for Class Certification, we required briefing from Plaintiff as to two issues regarding the precise definition of the Plaintiff class. We have now considered such briefing and rule as follows:

The class **SHALL** be defined as:

All holders of Intermix Media, Inc. ("Intermix" or the "Company") common stock, from July 18, 2005 through the consummation of the sale of Intermix to News Corporation ("News Corp") at the price of \$12.00 per share on September 30, 2005 (the "Acquisition"), who were harmed by defendants' improper conduct at issue in the litigation. Excluded from the Class are defendants and any person, firm, trust, corporation or other entity related to or affiliated with any defendant.

Plaintiff Jim Brown is appointed as Class representative.

Although we certify the preceding class as so defined, we recognize that there will be allocation issues if Plaintiff and the class prevail on their claims and there will only be one recovery per share. Moreover, although Defendants are rightly concerned as to preclusion issues relating to the plaintiffs in the related state court action, we believe it is inappropriate to rule on any preclusion issues relating to state court plaintiffs at this time. We believe it appropriate to notify any state court plaintiff as to the preclusion issues in the notice of class certification. We will then address whether the state court plaintiffs should properly be excluded, having given the state court plaintiffs notice of any such motion to exclude, and an opportunity to respond.

IT IS SO ORDERED.

Initials of Deputy Clerk

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